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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 **RICHARD J. CRANE**

Plaintiff,

16 v.

17 D. AMBRIZ, et al.,

18 Defendants.
19

Case No.: C 07-4620 JF

**DECLARATION OF T. VARIZ IN
SUPPORT OF DEFENDANT'S MOTION
TO DISMISS**

20 I, T. VARIZ, declare as follows:

21 1. I am an Appeals Coordinator at the Salinas Valley State Prison (SVSP) in Soledad,
22 California. As an Appeals Coordinator, my responsibilities include receiving, logging, routing, and
23 monitoring the disposition of inmate appeals. By virtue of my employment, I have personal knowledge
24 and am competent to testify to the matters set forth in this declaration and if called upon to do so, I
25 would and could so testify. I submit this declaration in support of Defendant's motion to dismiss.

26 2. In accordance with Title 15 of the California Code of Regulations, Section 3084.6, an inmate
27 must submit an inmate appeal within fifteen (15) working days of the event or decision being appealed,
28 or of receiving an unacceptable lower level decision. An appeal may be rejected if the time limits for
submitting an appeal are exceeded. Cal. Code Regs. Tit.15 § 3084.3(c)(6). There are four levels of
review: (1) informal resolution, (2) first formal level of review, (3) second formal level of review by the

Decl. of T. Variz Supp. Defs' Mot. To Dismiss

1 institutional head or designee, (4) and third formal level of review by a designated representative of the
2 director under supervision of the chief, inmate appeals. *See* Cal. Code Regs. Tit. 15, § 3084.5

3 3. All the formal level appeals submitted by inmates at Salinas Valley State Prison and accepted
4 for review at the First and Second Levels of Review, at the institution, are entered and tracked in a
5 computerized system which contains the following information: the name and number of the inmate
6 filing the appeal, the log number of the appeal, date received, appeal issue, level of review, date
7 completed at each level of review, and decision reached.

8 4. At the request of the Attorney General's Office, a computerized search of the institutional
9 appeals database was conducted for inmate appeals submitted by Plaintiff Richard Crane, CDCR # C-
10 44519, which were reviewed at Salinas Valley State Prison at the First and Second Levels of Review.


11 5. Attached as Exhibit "A" is a true and correct copy of the computer print out of the results of
12 that search.

13 6. The record indicates that Plaintiff submitted one inmate appeal related at Salinas Valley State
14 Prison, related to the issues identified in his complaint. The appeal is:

15 Appeal Log No. SVSP-A-07-02012, related to alleged retaliatory conduct by Correctional
16 Officer Ambriz for actions that allegedly occurred on March 16, 2007. This appeal was received by the
17 SVSP Inmate Appeals Office on April 11, 2007. The informal level and the first levels of review were
18 bypassed on this appeal. Attached as Exhibit "B" is a true and correct copy of Inmate Appeal No.
19 SVSP-A-07-02012 and related documents.

20 7. Plaintiff submitted three inmate appeals for March and April 2007, the time period at issue in
21 this action. Other than Inmate Appeal Log no. SVSP-A-07-02012, no other inmate appeals were
22 submitted by Plaintiff at Salinas Valley State Prison related to the claims identified in this complaint.

23 I declare under penalty of perjury under the laws of California and the United States of America
24 that the foregoing is true and correct and that this declaration was executed on May 22, 2008, at
25 Soledad, California.

26  5-22-08
T. VARIZ